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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/692,697	10/19/2000	William John Delinsky	Peregrin-P1-00	8755

28710 7590 11/27/2006

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EXAMINER

HAMILTON, LALITA M

ART UNIT	PAPER NUMBER
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3691

DATE MAILED: 11/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/692,697	DELINSKY ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Lalita M. Hamilton	3691	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 July 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date: _____   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 4-5, 27-28, and 33 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claims 4-5 and 27, the use of the language "ANI", "DNIS", and "IVR" is inappropriate without an explanation in the claims of what the acronyms stand for. In claim 28, it is unclear exactly which claim is being referred to, since claims 1 and 3 are independent claims and claim 2 is a dependent claim. Further, it is unclear how the report is generated. In claim 33, it is unclear exactly which claim is being referred to, since claims 1 and 32 are independent claims and claim 2 is a dependent claim. Further, it is unclear how the report is generated.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.

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2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1- 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Elibacher (6,724,887) in view of (Marshall).

Elibacher discloses a method and corresponding system for customer communications with a contact center comprising a referrer-controlled method for transferring an inbound communication to one of a plurality assistants receiving an inbound communication from a referring apparatus of information sufficient to identify a referrer identity, selecting which one of a plurality assistants to refer the inbound communication by using a computer to look up and to apply referral criteria responsive to the referrer identity, and connecting the inbound communication to the one of the plurality of the assistants in accordance with the criteria (col.8, line 30 to col.9, line 10); providing some of said financial assistance centers with call activity reporting by means of a secure web site (col.2, lines 48-60 and col.11, line 60 to col.12, line 10); providing call activity reporting updated no less than daily at a secure web site (col.2, lines 48-60 and col.11, line 60 to col.12, line 10); providing a web site demonstration of said method (col.2, lines 48-60 and col.11, line 60 to col.12, line 10); applying as said criteria a call routing triggered by a quantity of prior calls respectively placed to the centers (col.8, line 30 to col.9, line 10); applying as said criteria a call routing triggered by a detection of a caller who has previously been referred to one of the centers (col.8, line 30 to col.9, line 10); applying as said criteria a call routing triggered by time of day (col.8, line 30 to col.9, line 10); applying as said criteria a call routing triggered by location (col.8, line 30 to col.9, line

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10); applying as said criteria a default call routing triggered by a failure to make a first connection to one of the centers (col.8, line 30 to col.9, line 10); storing call referral information including number of calls and call duration data for each said center and generating a report of said call referral information (col.8, line 30 to col.9, line 10); storing call referral information including caller hang up data (col.8, line 30 to col.9, line 10); generating a report of said call referral information (col.8, line 30 to col.9, line 10); storing call referral information including attempted but uncompleted call connecting and generating a report of said call referral information (col.8, line 30 to col.9, line 10); generating a call referral report by time period for each said center (col.8, line 30 to col.9, line 10); including in the report an analysis of call referral activity by time of day (col.8, line 30 to col.9, line 10); including in the report an of call referral analysis activity by day of week (col.8, line 30 to col.9, line 10); including in the report an analysis of call referral activity by state (col.8, line 30 to col.9, line 10); including in the report an analysis of uncompleted calls (col.8, line 30 to col.9, line 10); generating a call referral report including a comparison (col.8, line 30 to col.9, line 10); a computer system programmed to implement a method for referring a telephone communication to one of a plurality of providers based on criteria, the computer system including a digital electrical computer having a processor, the processor electrically connected to store and receive electrical signals at a memory device, to receive input electrical signals corresponding to input information from an input device, to convert output electrical signals into output information at an output device, the processor programmed to control the digital electrical computer to receive the input electrical signals and to process the

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input electrical signals to produce the output electrical signals in storing telephone numbers for a plurality of providers in memory accessible by said digital electrical computer, storing criteria for selecting one of the providers, identifying a person in response to a telephone communication, and selecting one of the providers by accessing the criteria, applying the criteria, and accessing one of the stored telephone numbers to connect the person to the one of the stored telephone numbers (col.8, line 30 to col.9, line 10); a telephone controlled by said digital electrical computer to connect the person by telephone to the one of the stored telephone numbers (col.8, line 30 to col.9, line 10); a method for making a computer system to refer a telephone communication to one of a plurality of providers based on , the method including the steps of providing a digital electrical computer having a processor, the processor electrically connected to store and receive electrical signals at a memory device, to receive signals in storing telephone numbers for a plurality providers in memory accessible by said digital electrical computer, storing provided criteria for selecting one of the providers, identifying a person in response to a telephone communication, and selecting one of the providers by accessing the criteria, applying the criteria, and accessing one of the stored telephone numbers to connect the person to the one of the stored telephone numbers (col.8, line 30 to col.9, line 10); a computerized method for providing call referral activity reporting at an Internet address, the method including the steps of generating call referral data by receiving an inbound telephone communication from a referring apparatus of information sufficient to identify a referrer identity, selecting which one of a plurality of providers to refer the inbound communication by

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using a computer to look up and to apply referral criteria responsive to the referrer identity, and connecting the inbound communication to the one of the plurality of the providers in accordance with the criteria, and posting call referral data to the Internet web address (col.8, line 30 to col.9, line 10); engaging accounting software to track compensation for the connecting (col.8, line 30 to col.9, line 10); ANI to detect a telephone number and associating the telephone number with debtor information (col.8, line 30 to col.9, line 10); using IVR to associate the telephone number with debtor information (col.8, line 30 to col.9, line 10); and using DNIS to detect a telephone number and associating the telephone number with the provider (col.8, line 30 to col.9, line 10). Eilbacher does not disclose referring a communication to credit counseling agencies, a debtor, or a creditor. Marshall teaches a method and corresponding system directed to call centers involving credit counselors and creditors whereby consumers are directed to credit counselors (p.3, 3<sup>rd</sup> paragraph to p.4, 1<sup>st</sup> paragraph). It would have been obvious to one incorporate the call center involving credit counseling agencies, creditors, and debtors, into the invention disclosed by Eilbacher, as an alternative use of directing calls throughout the call center.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-33 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

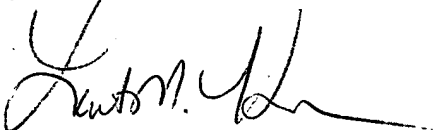
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lalita M. Hamilton whose telephone number is (571) 272-6743. The examiner can normally be reached on Tuesday-Thursday (6:30-2:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kalinowski Alexander can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'Lalita M. Hamilton', with a long horizontal flourish extending to the right.

Lalita M. Hamilton  
Primary Examiner, 3691